

**CITY OF ALAMEDA
COMMUNITY DEVELOPMENT DEPARTMENT**

ADMINISTRATIVE VARIANCE & DESIGN REVIEW

ITEM NO:

APPLICATION NO: PLN11-0356 – 1712 Palmera Court

PROJECT

DESCRIPTION: The applicant seeks approval of a Design Review and Variance. The Design Review includes the relocation of the driveway and construction of a 504-square foot detached garage at the rear southeasterly portion of the property, the construction of front and rear second story decks, a covered front porch and a 5-foot high stucco and ironwork fence encircling the front entry. A Variance is required to permit a garage that would be located 57-feet behind the front property line up to the easterly side property line, where Municipal Code standards require a minimum 5-foot side yard setback for garages that are located less than 75-feet behind the front property line.

GENERAL PLAN: Low-Density Residential

ZONING: R-1, One-Family Residence Zoning District

ENVIRONMENTAL DETERMINATION: Categorically Exempt from State CEQA Guidelines, Section 15303, (New Construction or Conversion of Small Structures).

PROJECT PLANNER: Dennis Brighton, Planner II

PUBLIC NOTICE: A notice for this hearing was mailed to property owners and residents within 300 feet of the site, published in local newspapers and posted in public areas near the subject property. Staff has not received any public comments on this proposed project as of September 15, 2011.

ATTACHMENTS:

1. Plans
2. Applicant's Supplemental Information/Photos
3. Staff photos
4. Public Comment

RECOMMENDATION: Find that the project will not cause significant adverse effects to the physical environment, is Categorically Exempt from environmental review and approve the project with conditions based on the following findings:

1. There are exceptional or extraordinary circumstances applying to the property involved or to the proposed use of this property.

The subject property is pie shaped with the rear portion wider than the front, with a detached single-car garage and driveway located at the northwesterly side of the property. Three mature date palm trees, within a terraced planter are located approximately 93-feet behind the front property line along the southeasterly side of the property. The existing driveway width is substandard at a clear width of less than 6.5-feet making it unusable for most modern vehicles. An 8.5-foot wide driveway is the minimum required driveway width.

The proposal to relocate the garage and driveway to the easterly side of the property would accommodate a tandem 2-car garage approximately 57-feet behind the front property line and a conforming 9-foot wide driveway. However, the easterly side of the property is not sufficiently wide to accommodate the required 5-foot side yard setback for the new garage. The existence of three mature Date Palm trees prevent the garage from being moved 75-feet behind the front property line to permit the structure to be located up to the side property line.

- Zoning Administrator Hearing
Meeting of January 3, 2012



The literal enforcement of specified provisions of the Municipal Code would cause an unnecessary hardship by resulting in the removal of three mature Date Palm trees. These trees provide character to the site, visually frame the lagoon and provide some privacy from adjacent homes without blocking the residents' view of the lagoon.



Other properties in the neighborhood with detached garages that are located less than 75-feet behind their front property lines and are located up to their side property lines include 700 Grand Street, 1711 and 722 Palmera Court.

3. The granting of the variance will not, under the circumstances of the particular case, be detrimental to the public welfare or

injurious to persons or property in the vicinity.

The proposed single-story garage is 10.5-feet to the top of the parapet wall. The proposed garage and driveway would be located abutting the neighboring property's driveway and detached garage. The limited height of the proposed garage would not cause excessive shading to landscaped areas of the adjacent property. The location of the proposed garage would not affect the adjacent property's southerly (lagoon) view.

DESIGN REVIEW FINDINGS:

1. The project will have no significant adverse effects on persons or property in the vicinity.

The project has been reviewed for consistency with City development regulations, policies and design guidelines. The project will not block views, cause a substantial increase in traffic, noise, light or shading or otherwise adversely affect neighboring properties.

2. The project will be compatible and harmonious with the design and use of surrounding properties.

Based on review of project plans and visits to the site, this project has been deemed compatible and harmonious with the design and use of surrounding properties. Project massing and scale is consistent the character of this neighborhood.

3. The project is in conformance with the City Guide to Residential Design.

The subject property is a Spanish Colonial Revival single-family residence that was constructed in 1918 and is considered a historical resource. All proposed improvements utilize a mixture of stucco, parapet walls, and ironwork compatible with the Spanish Colonial style.

CONDITIONS:

1. This Variance and Design Review approval shall terminate two (2) years from the effective date of its granting unless actual construction or alteration has begun under valid permits prior to **January 3, 2014**; or the applicant applies for and is granted an extension by the Zoning Administrator or Planning Board prior to this expiration date.
2. The plans submitted for building permit and construction shall be in substantial compliance with plans prepared by Richard Vaterlaus, AIA, received on November 17, 2011 and on file in the office of the City of Alameda Planning and Building Department, except as modified by the conditions listed in this letter.
3. Plans submitted for building permit approval shall include an electronic version of the plans in PDF format.
4. Building permit plans shall incorporate each condition of approval. The conditions shall be adequately identified on the plans under a heading titled "CITY OF ALAMEDA, CONDITIONS OF APPROVAL."
5. The original driveway shall be removed within 20-feet behind the front property line prior to building permit approval. The driveway approach shall also be removed and the curb and sidewalk shall be restored prior to building permit approval.
6. The applicant/property owner shall provide a site survey prepared by a California State Licensed Surveyor prior to building permit approval. This survey shall be consistent with the project's site plan.
7. A site inspection to determine compliance with this Design Review Approval is required prior to the final building inspection and/or prior to the issuance of a Certificate of Occupancy. The applicant shall notify the Planning and Building Department at least four working days prior to the requested Planning inspection dates.
8. Any additional exterior changes shall be submitted to the Planning & Building Department for review and approval prior to construction.
9. Indemnification: The applicant shall defend (with counsel reasonably acceptable to the City), indemnify, and hold harmless the City of Alameda, its Redevelopment Agency, the Alameda City Planning Board and their respective agents, officers, and employees from any claim, action, or proceeding (including legal costs and attorney's fees) against the City of Alameda, Alameda Redevelopment Agency, Alameda City Planning Board and their respective agents, officers or employees to attack, set aside, void or annul, an approval by the City of Alameda, the Community Development Department, Alameda City Planning Board, the City of Alameda Redevelopment Agency or City Council relating to this project. The City shall promptly notify the applicant of any claim, action or proceeding and the City shall cooperate in such defense. The City may elect, in its sole discretion, to participate in the defense of said claim, action, or proceeding.

DECISION:

Environmental Determination

The Zoning Administrator has determined that this project is Categorically Exempt from environmental review, pursuant to the CEQA Guidelines Section 15303, (New Construction or Conversion of Small Structures).

Variance/Design Review

The Zoning Administrator approves the Variance and Design Review with conditions.

The decision of the Zoning Administrator shall be final unless appealed to the Planning Board, in writing and within ten (10) days of the decision.

Approved by: _____ Date: January 3, 2012

Margaret Kavanaugh-Lynch
Zoning Administrator